

29 MAY 1996

PART 7

ADDITIONAL PROVISIONS CONCERNING
SERVICEMEMBERS CONFINED BY CIVIL AUTHORITIES

A. If proceedings under this part have been initiated against a respondent confined by civil authorities, the case may be processed in the absence of the respondent. Subsection A6 of part 5 is not applicable except insofar as such rights can be exercised by counsel on behalf of the respondent.

B. The following requirements apply:

1. The notice shall contain the matter set forth in subsection B1 or C1 of part 4, as appropriate. The notice shall be delivered personally to the respondent or sent by registered mail or certified mail, return receipt requested (or by an equivalent form of notice if such service is not available for delivery by U.S. mail at an address outside the United States. If the servicemember refuses to acknowledge receipt of notice, the individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail (see subsection C) which will be inserted in the servicemember's personnel file together with Postal Service Forms 3800 and 3811.

2. If delivered personally, receipt shall be acknowledged in writing by the respondent. If the respondent does not acknowledge receipt, the notice shall be sent by mail as provided in subsection B1.

3. The notice shall state that the action has been suspended until a specific date (not less than 30 days from the date of delivery) in order to give the respondent the opportunity to exercise the rights set forth in the notice. If the respondent does not reply by such date, the separation authority shall take appropriate action under part 6.

4. The name and address of the military counsel for appointed consultation shall be specified in the notice.

5. If the case involves entitlement to an Administrative Board, the respondent shall be notified that the Board will proceed in the respondent's absence and that the case may be presented on respondent's behalf by counsel for the respondent.

SECNAVINST 1910.4B

29 MAY 1966

C. Sworn Affidavit of Service by Mail

State of _____
County of _____

I, _____ (1) _____, being duly sworn,
declare that I am the _____ (2) _____ of
_____ (3) _____ and on the _____ day of _____ 19____, I
mailed the original notice, a true copy of which is attached
hereto, by Certified Mail (return receipt requested) (or by an
equivalent form of Notice if such service by U.S. Mail is not
available outside the United States) to _____ (4) _____,
that being the known confinement address by depositing the same
in an official depository of the U.S. Postal Service at
_____ (5) _____ in a securely wrapped and sealed U.S.
Government official postal envelope with a PS 3811, Domestic
Return Receipt, attached. A PS 3800, Receipt for Certified Mail
attesting to such action is attached to this affidavit.

signature and rank of individual
mailing notice

Sworn and subscribed before me this _____ day of _____ 19__.

signature and rank of officer
administering oath

| Blank | Enter |
|-------|--|
| 1 | Name of individual who mails the notice |
| 2 | Job title (e.g., personnel officer, legalman, etc...) |
| 3 | Unit name (e.g., USS MERRILL, 1st Marine Div, etc...) |
| 4 | Full name and rank of respondent and complete confinement mailing address |
| 5 | Location of post office where mailed |